

1 would be happy to amend the exhibit as necessary to get it
2 complete. That was not an intentional omission on our part,
3 if there are.

4 JUDGE SIPPEL: All right. Well, let's reserve
5 that. You are now on notice as to what his position is.
6 And that can be clarified through a witness and by
7 appropriate amendment if need be. But anyway, in any event,
8 subject to Mr. Hutton's comment, Adams 51 as identified, the
9 32-page document, is now received in evidence as Adams 51.

10 (The document referred to was
11 marked for identification as
12 Adams Exhibit No. 51 and
13 received in evidence.)

14 MR. COLE: Thank you, Your Honor. May I proceed?

15 JUDGE SIPPEL: Please do.

16 MR. COLE: Next, I would like to have marked for
17 identification as Adams Number 52 an application, File
18 Number BTCCT911113KH, for consent to the transfer of control
19 of the licensee of Station WTVE TV, Reading, Pennsylvania,
20 filed November 13, 1991, which is 33 pages in length. I
21 should point out -- I would like to request -- I request
22 that this be marked for identification as Adams Number 52.
23 And if you could mark it, I have one brief statement to make
24 about it.

25 JUDGE SIPPEL: Let's mark it. The Reporter will

1 mark that document, that 33-page document, as Adams 52 for
2 identification.

3 (The document referred to was
4 marked for identification as
5 Adams Exhibit No. 52.)

6 MR. COLE: Thank you, Your Honor. My one
7 observation is that I am aware that we have at least one
8 other copy of this application in the Phase 1 briefs. It is
9 the Reading Broadcasting, Inc., what we have referred to in
10 Phase 1 as the Long Form 315. And while I realize that I
11 could have simply cross-referenced back to Phase 1, it did
12 seem to me that since we are moving into Phase 2, it would
13 be more useful for our purposes in terms of cross
14 examination to have one set of documents in one notebook
15 that I can provide to the witness.

16 And that is why I have marked it separately and
17 chose to do it that way. If that is not -- I don't think it
18 will hurt the record necessarily to have one extra tab in
19 here. And I would request we do that. But I realize it is
20 somewhat duplicative.

21 JUDGE SIPPEL: Has it been double-checked to make
22 sure there is no inconsistencies between the two exhibits?

23 MR. COLE: I have not double-checked that, no,
24 Your Honor. But I am perfectly happy to do so.

25 JUDGE SIPPEL: Yes, be sure you do that, not right

1 this second, but before we close the record. Do you have
2 any problem with that, Mr. Hutton?

3 MR. HUTTON: No, I don't. I think it makes sense
4 to have a copy in this same volume for this purpose. But I
5 do note, again, that this application is missing the
6 transmittal sheet -- transmittal letter. And I do want to
7 make sure that it is complete otherwise.

8 JUDGE SIPPEL: All right. Your point is well
9 taken. And I am making a note, as I am sure Mr. Cole is.
10 Do you have any objection to this document?

11 MR. SHOOK: None.

12 JUDGE SIPPEL: Then subject to the comments and
13 the observations, Exhibit 52 for identification, the 33-page
14 document is hereby received in evidence as Adams 52.

15 (The document marked for
16 identification as Adams
17 Exhibit No. 52 was received in
18 evidence.)

19 MR. COLE: Thank you, Your Honor. Next I would
20 like to have marked for identification as Adams 52 an
21 application, File Number BTCCT920603KG for consent to the
22 transfer of control of the permittee, Station KVND TV,
23 Twenty-nine Palms, California, filed June 3rd, 1992. And
24 this document is 20 pages in length. And I request that it
25 be identified as Adams Number 53.

1 JUDGE SIPPEL: And the Reporter will so identify
2 the document? Is there any objection?

3 MR. HUTTON: No. Again, this one doesn't have a
4 transmittal letter. I'm not sure if there was one
5 originally. But, again, no objection to what is in here
6 subject to my noting on cross examination what may be
7 missing.

8 JUDGE SIPPEL: All right. Well, I do think it
9 should be -- certainly it should be complete. If there is a
10 transmittal letter that goes with it, this should have the
11 transmittal letter. But there being no objection subject to
12 that comment, Exhibit 53 if Adams is now received in
13 evidence as Adams Exhibit 53.

14 (The document referred to was
15 marked for identification as
16 Adams Exhibit No. 53 and
17 received in evidence.)

18 MR. COLE: Thank you, Your Honor. Next I request
19 that -- to be marked for identification as Adams Number 54
20 an application, File Number BALIB9208100M for consent to the
21 assignment of license of international broadcast station
22 KCBI, Dallas, Texas, filed August 10, 1992. This document
23 is 27 pages in length and I request that it be marked for
24 identification as Adams 54.

25 JUDGE SIPPEL: The Reporter will so mark that as

1 Adams Exhibit 54 for identification. Same comment with
2 respect to transmittal?

3 MR. HUTTON: This one actually has the transmittal
4 letter.

5 JUDGE SIPPEL: It does have it. All right. So
6 then there is no objection.

7 MR. HUTTON: No.

8 JUDGE SIPPEL: And Exhibit 54 is received in
9 evidence as is.

10 (The document referred to was
11 marked for identification as
12 Adams Exhibit No. 54 and was
13 received in evidence.)

14 MR. COLE: Thank you, Your Honor. Next I would
15 like to have marked for identification as Adams Number 55 a
16 document which is four pages in length. It is an amendment
17 filed October 29, 1992 to the application for consent to the
18 assignment of the license of international broadcast station
19 KCBI, Dallas, Texas.

20 This document does have a transmittal letter. It
21 then has a one-sentence document -- one-page, one-sentence
22 document entitled, "Re: KCBI." There is then a third page
23 which is two sentences in length I believe entitled, "Re:
24 Two If By Sea Broadcasting Corporation." And then there is
25 a -- finally a fourth page which is entitled, "Re: KCBI

1 International." I request that these four pages be marked
2 for identification as Adams 55.

3 JUDGE SIPPEL: The Reporter will so mark that
4 document as Adams 55 for identification. Any objections?

5 MR. HUTTON: No, sir.

6 JUDGE SIPPEL: Then it is received in evidence as
7 Adams 55.

8 (The document referred to was
9 marked for identification as
10 Adams Exhibit No. 55 and
11 received in evidence.)

12 MR. COLE: Thank you, Your Honor.

13 JUDGE SIPPEL: Okay. Next document.

14 MR. COLE: I would like to have marked for
15 identification as Adams 56 a one-page document which is an
16 FCC Form A378 which reflects the grant of the application
17 for consent to the assignment of license of international
18 broadcast station KCBI, Dallas, Texas. It is dated I
19 believe October 30, 1992 in the lower left-hand corner. I
20 would like to have that marked as Adams 56, please.

21 JUDGE SIPPEL: Okay. It is marked as your Exhibit
22 56. Any objection?

23 MR. HUTTON: No, sir.

24 JUDGE SIPPEL: Then Adams 56 for identification, a
25 one-page document is received in evidence.

1 (The document referred to was
2 marked for identification as
3 Adams Exhibit No. 56 and
4 received in evidence.)

5 MR. COLE: Thank you, Your Honor. Next I would
6 like to have marked for identification as Adams 57 an
7 assignment of license/transfer of control worksheet which
8 reflects staff review of the application for consent to the
9 assignment of the license of international broadcast station
10 KCBI, Dallas, Texas.

11 It is 11 pages in length. And I don't believe --
12 it does not bear -- strike that. It bears on the first page
13 at the very top the date completed of 10/30/92. And I would
14 like to have this marked for identification as Adams 57.

15 JUDGE SIPPEL: It is marked. The Reporter will so
16 mark it for identification as you described it, 11-page
17 document. And this is one to which you do have an
18 objection, Mr. Hutton.

19 (The document referred to was
20 marked for identification as
21 Adams Exhibit No. 57.)

22 MR. HUTTON: Yes, sir.

23 JUDGE SIPPEL: On relevancy grounds?

24 MR. HUTTON: Yes.

25 JUDGE SIPPEL: Do you want to respond to that, Mr.

1 Cole?

2 MR. COLE: Sure. This does not inquire into the
3 staff's state of mind at all. It merely provides additional
4 factual information concerning one of the filings that Mr.
5 Parker made. And that is the Dallas short wave -- what we
6 refer to as the Dallas short wave application. That
7 application was filed in August. In late October, as we
8 have seen in Adams Number 55, the application was amended to
9 include some verbiage concerning character issues.

10 And the worksheet which was obtained through the
11 Freedom of Information Act at page -- what we have marked as
12 page 7, Adams Exhibit Number page 7, indicates that the
13 staff deemed the representations concerning character issues
14 to be -- that its understanding of the applicant's
15 representations concerning character issues was based on the
16 amendment, not on the application as originally submitted.

17 And I think that Ms. Ellis I believe, if called to
18 testify, would confirm that she contacted you and reviewed
19 the application initially, did not believe that she had
20 enough information on which to process it, requested an
21 amendment and was sent that -- and was sent the amendment on
22 which she then relied.

23 Her reliance is shown here that she relied on that
24 amendment rather than your application as originally filed.
25 That is an important element of -- to understand the -- what

1 we perceive to be Mr. Parker's misconduct in this case.

2 MR. HUTTON: Your Honor, I believe Mr. Cole has
3 just made my case for me. He has stated directly that he is
4 offering it for the state of mind of the processing staff.

5 JUDGE SIPPEL: What I am going to do is I am going
6 to wait and see if there is any way that the stipulation can
7 tie into this in a relevant form and still get by your
8 objection. But for the time being, it is rejected on
9 grounds of relevance subject to my coming back and
10 revisiting it.

11 (The document identified as
12 Adams Exhibit No. 57 was
13 rejected.)

14 MR. COLE: Thank you, Your Honor.

15 JUDGE SIPPEL: Okay.

16 MR. SHOOK: Your Honor, if I may?

17 JUDGE SIPPEL: Yes, Mr. Shook. I should have
18 asked you. I'm sorry.

19 MR. SHOOK: I find it helpful for background
20 purposes only.

21 JUDGE SIPPEL: Well, it may come in that way. But
22 this is something I take it that would be addressed in the
23 stipulation.

24 MR. SHOOK: Only to the extent that Ms. Ellis
25 would identify herself as the person who processed that

1 application and requested the amendment that was referenced
2 in Adams Exhibit 55. Again, it is just filling in some
3 blanks. It really doesn't advance the ball in terms of Mr.
4 Parker's state of mind which is the crux of the issue.

5 JUDGE SIPPEL: Well, it is the crux of the issue.
6 But the state of mind issue that Mr. Hutton is objecting to
7 is the state of mind of the reviewers.

8 MR. SHOOK: Right. I am not concerned about the
9 state of mind of the reviewer. I am concerned about the
10 state of mind of Mr. Parker. All I am saying is that from
11 my own personal standpoint, I find this information useful
12 for background purposes.

13 JUDGE SIPPEL: Well, it might very well be after
14 we see -- after I see the stipulation. But I would like to
15 see it in context. And we'll go back and look at it again.
16 But for the time being, it is rejected as an exhibit. Your
17 next document?

18 MR. COLE: You are rejecting it and not
19 withholding ruling, is that correct?

20 JUDGE SIPPEL: I'm sorry?

21 MR. COLE: You are affirmatively are rejecting it
22 and not withholding ruling pending --

23 JUDGE SIPPEL: No. I am rejecting it as of today,
24 but subject to revisit at a later time when that stipulation
25 is proffered. And, of course, there would be another way to

1 get at it and that is that if I authorize the calling of
2 these witnesses and you introduced it through the witnesses.
3 But today, it is rejected because --

4 MR. COLE: Thank you.

5 JUDGE SIPPEL: -- I think Mr. Hutton is right. Go
6 ahead.

7 MR. COLE: Next I would like to have marked for
8 identification as Adams Number 58 a letter, two pages in
9 length, dated February 18, 1991, addressed to Mr. Michael L.
10 Parker and signed by R. Clark Wadlow, W-A-D-L-O-W. I
11 request that that be marked for identification as Adams 58.

12 JUDGE SIPPEL: Okay. The Reporter will so mark
13 that document as Adams 58 for identification. Okay. Is
14 there any objection?

15 MR. HUTTON: No, sir.

16 JUDGE SIPPEL: And you want to move that into
17 evidence?

18 MR. COLE: Yes, I do, Your Honor.

19 JUDGE SIPPEL: Then Adams 58 as identified, the
20 two-page document, is hereby received in evidence as Adams
21 58.

22 (The document referred to was
23 marked for identification as
24 Adams Exhibit No. 58 and
25 received in evidence.)

1 MR. COLE: Next I would like to have marked for
2 identification as Adams Number 59 a two-page document, the
3 first page of which is a bill or a statement for
4 professional services rendered dated March 21, 1991 on the
5 letterhead of Sibley & Austin and addressed to Mr. Michael
6 L. Parker, Reading Broadcasting, Inc. The second page is an
7 excerpt or a one-page document entitled, "Sibley & Austin
8 Billing Memorandum Time Detail", reflecting the billable
9 time charged by initials RCW on February 18, 1991. I would
10 like to have that marked for identification as Adams 51.

11 JUDGE SIPPEL: The Reporter will so mark that two-
12 page document as Adams 59 for identification. Any
13 objection?

14 (The document referred to was
15 marked for identification as
16 Adams Exhibit No. 59.)

17 MR. HUTTON: I guess I do question the relevance
18 of this. If the advice was offered and was relied upon by -
19 - was offered by Mr. Wadlow and was relied upon by Mr.
20 Parker, it doesn't seem to me to be relevant whether Mr.
21 Wadlow spent 20 minutes on it, an hour on it or a day on it.
22 So to the extent it is being offered to show anything about
23 Mr. Parker's state of mind, I think it is irrelevant.

24 MR. COLE: Mr. Wadlow testified in deposition that
25 Mr. Parker called him on February 18, 1991 and was in a big

1 hurry to get a letter telling him -- stating on Mr. Wadlow's
2 stationary that Mr. Parker was not having any trouble with
3 San Bernandino. Mr. Wadlow did recall that Mr. Parker was
4 in a big hurry to get this. And Mr. Wadlow then
5 accommodated that.

6 We asked him how long it took him total and what
7 we received in discovery were these billing records which
8 indicate that during the month of February 1991, Mr. Wadlow
9 charged a total of 45 minutes to Mr. Parker and it just
10 happened to be on February 18 and with the narrative,
11 "Teleconference with the client re: character issues and
12 later client re: seen."

13 In other words, the advice that Mr. Wadlow gave in
14 the form of a letter which is -- has bene received as Adams
15 58 took a total of 45 minutes to crank out from the
16 beginning of the phone call it would appear with Mr. Parker
17 to actually putting the final document out the door. To the
18 extent that Mr. Parker is relying on this heavily as some
19 kind of character-cleansing advice, I think it is certainly
20 relevant to the legitimacy and the validity of any
21 reliability that was placed on that.

22 JUDGE SIPPEL: Okay. Mr. Hutton?

23 MR. HUTTON: Well, I think we just need to see how
24 the testimony goes. I object to having it admitted at this
25 point. But I think it depends on how the testimony goes.

1 JUDGE SIPPEL: Okay. Mr. Shook?

2 MR. SHOOK: I see it as an extremely small piece
3 of the puzzle, but one nonetheless.

4 JUDGE SIPPEL: You are going to have a witness
5 testifying to this, right?

6 MR. COLE: Yes, Mr. Wadlow.

7 JUDGE SIPPEL: Well, it is really -- it is going
8 to get introduced through him. I will exercise my
9 discretion and receive it into evidence today, subject, of
10 course, to Mr. Wadlow being here to testify to it. If there
11 is no testimony on it, then all bets are off. So for the
12 Reporter's benefit, Adams Exhibit 59 which has been marked
13 and identified, a two-page document, is hereby received in
14 evidence as 59 subject, of course, to Reading's motion to
15 strike it if there is no testimony to support or to relate
16 to it.

17 (The document marked for
18 identification as Adams
19 Exhibit No. 59 was received in
20 evidence.)

21 MR. COLE: Thank you, Your Honor.

22 JUDGE SIPPEL: Your next document.

23 MR. COLE: I would like to have marked for
24 identification as Adams Number 60 a three-page document
25 consisting of first a page that has a photocopy of a check

1 payable -- and it is difficult to read, but I believe the
2 testimony will indicate that it is payable to the order of
3 Brown, Knighter and Kaufman, a law firm. And the check is
4 dated 10/26/92 on the checking account of Reading
5 Broadcasting, Inc.

6 There then follows -- there is two pages which is
7 a ledger sheet which, actually, as I understand it is one
8 full page. But since it is an over-sized page, it wouldn't
9 photocopy onto a single 8.5 by 11 page, so it is spread out
10 over two which we obtained in discovery from the law firm of
11 Brown, Kaufman and Knighter. And I would like to have
12 this -- these three pages marked for identification as Adams
13 Number 60.

14 JUDGE SIPPEL: Are these -- these ledger sheets,
15 are they reflecting hours worked --

16 MR. COLE: Yes.

17 JUDGE SIPPEL: -- and time and -- time sheets?

18 MR. COLE: Mr. Kravitz -- just by way of
19 background, Your Honor, Mr. Kravitz who we plan to have on
20 the stand next Tuesday morning represented Mr. Parker in
21 connection with among other things the preparation and
22 submission of the Dallas amendment, not the application
23 itself, but the amendment in late October 1992. We sought
24 documents from Brown, Kaufman and Knighter reflecting the
25 nature and scope of the representation of Mr. Parker

1 And we were told that this was the sum and
2 substance of all their records, period. This was it. This
3 reflected the beginning and the end of their relationship.
4 And I did, in fact, examine Mr. Kravitz about it during his
5 deposition. And he is able to -- I believe was during the
6 deposition and next week will be able to confirm what these
7 entries mean and how they reflect Mr. Parker's relationship
8 with the law firm.

9 JUDGE SIPPEL: Okay. Well, the Reporter will so
10 mark that document as Exhibit Number 60. I think that this
11 is something that we ought to wait to have some testimony on
12 before it is -- there is too many -- it is just -- it is not
13 apparent from the face of the document precisely what it is
14 because of the nature of the copying. It is not your fault.
15 It is one of those types of documents. So I am going to
16 reserve on that, neither receive nor reject it. It is just
17 marked as Adams Exhibit Number 60, a three-page document.

18 (The document referred to was
19 marked for identification as
20 Adams Exhibit No. 60.)

21 MR. COLE: Thank you, Your Honor.

22 JUDGE SIPPEL: With respect to your next document.

23 MR. COLE: I would like to have marked for
24 identification as Adams Number 61 a document eight pages in
25 length which is an excerpt from the reply to exceptions

1 filed by Inland Empire Television on January 20, 1988 and
2 the religious broadcasting network proceeding whose MM
3 docket number is 83-911, et. sec. I would like to have that
4 marked as Adams Number 61.

5 JUDGE SIPPEL: The Reporter will so mark that
6 document as Adams 61 for identification. Is there any
7 objection?

8 (The document referred to was
9 marked for identification as
10 Adams Exhibit No. 61.)

11 MR. HUTTON: Yes, I object on grounds of
12 relevance. This is an excerpt of a pleading filed some
13 three years before any of the applications in question. And
14 it is from the religious broadcasting case filed by counsel
15 for Inland Empire Television.

16 And it presents an argument in part with respect
17 to the qualifications of the applicant in which Mr. Parker
18 was found to be a real party in interest. It looks to be
19 just a copy or an excerpt of a pleading in the San
20 Bernandino case. And it doesn't seem to me to bear any
21 meaningful relevance in this case on this issue.

22 JUDGE SIPPEL: Do you want to respond?

23 MR. COLE: Absolutely. Your Honor, Mr. Parker has
24 indicated in his deposition that he was relying at least in
25 part on Mr. Wadlow's letter of February 18 which has been

1 marked -- which has been received as Adams 58, in support of
2 the notion that Mr. Parker had nothing to worry about about
3 San Bernandino.

4 In that letter, Mr. Wadlow's advice includes the
5 following statement referring to the San Bernandino case:
6 "The ALJ did not find that you" -- that is Mr. Parker --
7 "had done anything improper or that anything you had done
8 reflected adversely on you." He makes that statement.

9 As it turns out, Mr. Wadlow also represented an
10 opposing party in the San Bernandino case and marked for
11 trial January 8, 1998 for the review board. And this is at
12 page 6 of what has been marked for identification as Adams
13 61. There is a long paragraph in which Mr. Wadlow and other
14 members of his firm on behalf of their then client itemized
15 14 activities in which Mr. Parker himself was directly
16 involved or for which he was responsible.

17 There was then the following sentence: "As a
18 result, the ALJ was certainly correct in his conclusions
19 that the SBBLP should be disqualified." Now, it seems to me
20 that to the extent that Mr. Parker wants to rely on a letter
21 that Mr. Wadlow cranked out in 45 minutes containing a
22 sentence that says, "The ALJ did not find that you had done
23 anything improper", I can certainly seek to put the
24 legitimacy and the validity and the reliability of that
25 advice in context by showing that Mr. Wadlow himself argued

1 to the review board about the same ALJ's opinion.

2 JUDGE SIPPEL: So it would be --

3 MR. COLE: It is in the nature of impeachment.

4 JUDGE SIPPEL: What do you think of that, Mr.
5 Shook?

6 MR. SHOOK: Your Honor, it remains to be seen how
7 this all unfolds with the testimony. I certainly have no
8 problem with the document itself.

9 MR. HUTTON: Your Honor, as I recall Mr. Wadlow's
10 deposition testimony, he didn't recall having reviewed this
11 pleading before it was filed. So it is a stretch to claim
12 that this can be used to impeach Mr. Wadlow. And secondly,
13 it is legal argument and it is prejudicial to admit into the
14 record of this case.

15 JUDGE SIPPEL: All right. Well, I am going to
16 reserve on it. You are going to present this to Mr. Wadlow
17 I take it when he testifies?

18 MR. COLE: I sure will.

19 JUDGE SIPPEL: Yes, okay. We will reserve on it.
20 That takes care of this one. Did you get that ruling, Mr.
21 Reporter?

22 THE COURT REPORTER: Yes.

23 JUDGE SIPPEL: So that is Exhibit Number 61, the
24 eight-page document, is marked for identification only. And
25 my ruling with respect to its receipt into evidence is

1 reserved until hearing the testimony of Mr. Wadlow.

2 MR. COLE: Thank you, Your Honor.

3 JUDGE SIPPEL: That ends one of your books, Phase
4 2 exhibits.

5 MR. COLE: That would concludes our Phase 2. Now,
6 do you want us to proceed to Phase 3 or do you want to go
7 through Phase 2, Reading?

8 JUDGE SIPPEL: That is a good question. Why don't
9 we go to Phase 2, Reading. And what do I start with, Volume
10 2? Do I start with Volume 2?

11 MR. HUTTON: I'm sorry?

12 JUDGE SIPPEL: Your Volume 2?

13 MR. HUTTON: For Phase 3?

14 JUDGE SIPPEL: Yes.

15 MR. SHOOK: Your Honor, I think he may have
16 misunderstood what you are looking for. He is referring to
17 the Phase 2 case of yours.

18 JUDGE SIPPEL: I'm sorry.

19 MR. HUTTON: Okay.

20 JUDGE SIPPEL: Yes. I was pointing to the volumes
21 here that you gave me. I'm sorry. Yes, Mr. Shook is right.

22 MR. SHOOK: Which I believe is in your Volume 3.

23 MR. HUTTON: Okay. On Phase 2, we had two
24 exhibits. The first one is -- I would like to identify it
25 as Reading Exhibit 46. It is the testimony of Michael

1 Parker. And it consists of nine pages. And it contains
2 Attachments A through J. And if you would like, I can go
3 through those attachments.

4 JUDGE SIPPEL: I think it would -- now, this is
5 the testimony of -- I think it would be helpful. But let me
6 get a reference on this or a context on this. This is his -
7 - is this testimony at a hearing or in a deposition?

8 MR. HUTTON: This is his written direct testimony
9 on the misrepresentation issue. You gave us the option of
10 doing oral or written direct. And we elected to do written
11 direct.

12 JUDGE SIPPEL: All right. And are the -- is there
13 any question about -- let me ask Mr. Cole, is there any
14 question about the attachments or do they speak for
15 themselves?

16 MR. COLE: I believe that the attachments speak
17 for themselves there. There is a series of recorded
18 opinions and a series of applications and Mr. Wadlow's
19 February 18 letter. There is a fair amount of duplication
20 between this -- their attachments and what we have included
21 in our Phase 2. I have no objection to letting it in. You
22 know, it is somewhat duplicative, but it doesn't bother me.
23 And they have packaged it up and, you know, tabbed it. I
24 have no problem with it.

25 JUDGE SIPPEL: All right. Well, I am going to ask

1 -- I am going to ask Mr. Hutton if you would read into the
2 record what each of the attachments is and just a general
3 statement as to relevancy.

4 MR. HUTTON: Okay.

5 JUDGE SIPPEL: And -- but we will number -- the
6 Reporter is marking Reading Exhibit Number 1 through 9 for
7 identification. And now we are going to have the tabs
8 identified with respect to the same exhibit. Tab A,
9 Attachment A.

10 MR. HUTTON: Okay. Attachment A consists of a
11 copy of the Mount Baker Broadcasting Company decision, 3 FCC
12 Record 4777. And the relevance is that was the decision
13 denying the extension of construction permit to Mount Baker
14 Broadcasting. Attachment B is the Religious Broadcasting
15 Network decision by the Review Board, 3 FCC Record 4085.
16 And the relevance of that is that that is the decision
17 referenced in the applications submitted by Mr. Parker or
18 parties -- or applicants to which Mr. Parker was a party.

19 Attachment C is memorandum opinion and order in
20 the same case by the Review Board approving the settlement
21 of the case. And that is 5 FCC Record Number 6362. And the
22 relevance of that is that Mr. Parker testified that he
23 thought the settlement of the case and the approval of the
24 settlement payment to the applicant in which he was found to
25 be a real party in interest rendered their -- the issue of

1 their qualifications moot or meant that they had resolved it
2 favorably.

3 Attachment D is a copy of the February 18th, 1991
4 letter from Clark Wadlow to Mr. Parker. This is the same
5 letter that Mr. Cole submitted. Attachment E is a copy of
6 the July 31, 1991 application for consent to transfer
7 control of WHRC TV in Norwell, Massachusetts. This is the
8 same document that Mr. Cole submitted, but with the
9 transmittal letter. Attachment F, let's see --

10 THE COURT REPORTER: Your Honor?

11 JUDGE SIPPEL: Yes?

12 THE COURT REPORTER: Did you want each of these
13 tabs individual marked?

14 JUDGE SIPPEL: No. That's all right. No. As
15 long as we get it into the record. Good question. But just
16 the exhibits.

17 MR. HUTTON: Attachment F is a copy of the
18 application for consent to transfer control of WTVE TV. It
19 is similar to the copy I think that Mr. Cole submitted in
20 the record, but it includes an amendment transmittal page.
21 Attachment G is a copy of an application for consent to
22 transfer control of KVMD TV in Twenty-nine Palms,
23 California. And I believe it is the same document that Mr.
24 Cole submitted for that application.

25 Attachment H is a copy of the application for

1 consent to assignment of the license of KCBI international
2 short-wave station in Dallas, Texas. Attachment I is a copy
3 of an application for a consent to transfer control of KWBB
4 TV, San Francisco, California. And I am not sure if Mr.
5 Cole submitted this or not.

6 JUDGE SIPPEL: Which is that, Attachment I?

7 MR. HUTTON: Yes.

8 MR. COLE: I believe I did. It is Number 50.

9 MR. HUTTON: Okay.

10 MR. COLE: And I did have the transmittal letter.

11 MR. HUTTON: And Attachment J is a copy of the
12 amendment to the KCBI application. And, again, this is the
13 same document that Mr. Cole submitted.

14 JUDGE SIPPEL: Okay. Do you all have any
15 objection or any comment on this? A little bit of
16 dupliciousness [sic].

17 MR. COLE: Duplication.

18 JUDGE SIPPEL: Duplication.

19 MR. HUTTON: I think that is just the factor of
20 requiring us to submit our exhibits on the same date. I
21 don't --

22 MR. SHOOK: At some point we can decide what we
23 are going to be referring to so we are all referring to the
24 same document. And we could exclude from evidence that
25 which we are not going to be using. We have two of the same

1 in probably about six or seven instances now.

2 At some point, it would probably be helpful to
3 decide what we are going to be referring to so that in
4 findings and conclusions and everything that we are going to
5 say about this, that we are all pointing to the same
6 document.

7 I don't think a decision necessarily has to be
8 made at this point in time. But at some point as testimony
9 is being given relative to these matters, that a decision is
10 made that we are going to use one rather than the other and
11 exclude the other so that we are all going to be referring
12 to the same document.

13 JUDGE SIPPEL: Well, that could be done by a
14 stipulation of proposed findings.

15 MR. SHOOK: That's really all I have to say about
16 this.

17 JUDGE SIPPEL: Well, I mean, it is a good point.
18 It is a good point because otherwise you double-check them
19 unnecessarily. But this could all be done by stipulation as
20 to some of these exhibits. All right. Do you have any
21 objection?

22 MR. COLE: None.

23 JUDGE SIPPEL: Then subject to Mr. Shook's
24 comments which are very well taken, the testimony of Michael
25 Parker along with Exhibits A through J is received in

1 evidence at this time as Reading Exhibit Number 46. All
2 right.

3 (The document referred to was
4 marked for identification as
5 Reading Exhibit No. 46 and
6 received in evidence.)

7 MR. HUTTON: Thank you, Your Honor. Reading
8 Exhibit 47 is written direct testimony of George Alan
9 Mattmiller, Jr. And it consists of four pages of text, a
10 one-page supporting declaration and Attachments A through G.
11 Attachment A consists of copies of certain WTV program logs
12 for the same dates for which the taping was done by Mr.
13 Sherwood. Attachment B consists of an inventory of the
14 tapes reviewed by Mr. Mattmiller.

15 Attachment C is an enumeration of the promotional
16 public service announcements and station identifications
17 contained on the tapes. Attachment D is a description of
18 the public service announcements sponsored by the Missing
19 Children Help Center appearing on the tapes. Attachment E
20 is a breakdown of the Missing Children Help Center spots,
21 identifying the locations of the -- or last known locations
22 of the missing children.

23 Attachment F is a description of the location of
24 the children identified as missing from Pennsylvania and a
25 map showing their last known locations. Attachment G is an

1 analysis of the breaks appearing on the tapes. And that is
2 the last attachment for that exhibit.

3 JUDGE SIPPEL: Okay. Mr. Cole?

4 MR. COLE: I just have a couple of questions, Your
5 Honor. And Mr. Hutton may be able to enlighten me on this.
6 Attachment B and Attachment C, okay. Attachment B includes
7 itemization of I assume the Home Shopping Club tapes that
8 were provided by Adams broken into groups called -- which
9 are referred to as blocks, Block A, Block B. Do you see
10 what I am saying?

11 Attachment C is a break count in which all the
12 tapes are broken into groups, Group A, Group B. Do you see
13 what I am saying there. Are the groups the same as the
14 blocks? That was not clear from the testimony and I
15 couldn't -- my hunch is they are, but I would just like some
16 confirmation on that.

17 MR. HUTTON: I believe they are. They run from A
18 through Q in both attachments. I believe that is the case.
19 I could confirm that.

20 MR. COLE: And who -- could you also tell me who
21 prepared the Attachments A through G? Was it the same
22 person or was it different people?

23 MR. HUTTON: They were all prepared by Mr.
24 Mattmiller.

25 MR. COLE: So, for example, the --

1 MR. SHOOK: A group?

2 MR. HUTTON: Oh, A consists of the --

3 MR. COLE: I'm sorry. Let me take that back. B
4 through G.

5 MR. HUTTON: B through G were all prepared by Mr.
6 Mattmiller.

7 MR. COLE: I have no objection, Your Honor.

8 JUDGE SIPPEL: Very well.

9 MR. COLE: But one question though. This is being
10 offered for Phase 3 and not Phase 2, am I correct about
11 that?

12 MR. HUTTON: Yes, I am afraid I jumped into Phase
13 3 without realizing it.

14 JUDGE SIPPEL: All right. Well, yes. It slipped
15 by me, too, Mr. Hutton. Well, anyway, it is a big exhibit.
16 And do you have any comment or objection to this, Mr. Shook?

17 MR. SHOOK: Well, this is just another reason why
18 I desperately hope the parties come to their senses and
19 settle this because to try to write findings based on all
20 this stuff is going to be an interesting exercise.

21 JUDGE SIPPEL: Well, I wasn't giving you an
22 opening on that. But you took it.

23 MR. SHOOK: Your Honor, if I had a club, I would
24 start beating them now.

25 JUDGE SIPPEL: Today is June 12th. Document

1 Exhibit Number 47, the testimony of Mr. George Mattmiller
2 plus Attachments A through G has been marked in evidence as
3 Reading 47. It is received in evidence as Reading 47.
4 Okay. There is a lot of hard work gone into this. Does
5 that conclude your documents for Phase 3 or do you have some
6 more? I am asking Mr. Hutton.

7 (The document referred to was
8 marked for identification as
9 Reading Exhibit No. 47 and
10 received in evidence.)

11 MR. HUTTON: Well, on Phase 3 we also have some
12 deposition transcripts from the Adams principals.

13 JUDGE SIPPEL: Where would they be? Back in --

14 MR. HUTTON: Yes, let me -- I am sorry to be
15 skipping around like this.

16 JUDGE SIPPEL: In Volume 2?

17 MR. HUTTON: Volume 2 is where they begin.

18 JUDGE SIPPEL: We are taking this a little out of
19 order. Do you have any objection, Mr. Cole?

20 MR. COLE: No, Your Honor.

21 MR. HUTTON: Reading Exhibit 43 is a copy of the
22 deposition of Mr. Fickinger.

23 JUDGE SIPPEL: That is a 123-page transcript. And
24 that will be marked by the Reporter as Reading Exhibit 43
25 for identification. Let's let the Reporter get set on this.